<div align="center">**REMARKS/ARGUMENTS**</div>

Claims 1-42 remain pending in the present application. However, Claims 1-11 have been withdrawn as being directed to a non-elected invention.

Claim 12 has been amended to correct a typographical error, and Claim 16 has been amended to provide proper claim dependency. In addition, Claims 25, 26, 28-31 and 33-42 have been amended to correct typographical errors in the claim dependencies to now be dependent upon independent Claim 23 or independent Claim 32. As such, Claims 25, 26, 28-31 and 33-42 should now be considered to be a part of the elected group II (as originally indicated in the Restriction Requirement) and should not be withdrawn from consideration. Applicant respectfully requests entry of these amendments and favorable reconsideration of the claims in view of the following remarks.

I.   REJECTIONS UNDER 35 U.S.C. § 102

Claims 12, 13, 15, 16, 19, 23 and 32 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Pepin et al.* (U.S. Patent Application Publication No. 2004/0160979). Applicant respectfully submits that these rejections are overcome.

Claim 12, states in-part: "selecting an initial coding scheme from a plurality of supported coding schemes with a programmable COder/DECoder (CODEC); …and revising the selected coding scheme from the plurality of supported coding schemes based upon the communication quality level delivered between the AP and WLAN terminal" (emphasis added). Applicant submits that the above features are not disclosed in *Pepin et al.*

In *Pepin et al.*, an adaptive multi-rate speech codec is provided within a source terminal. The source terminal is able to select an appropriate bit rate to produce a desired quality of service (QoS) for a WCDMA communication between the source terminal and a destination terminal. (*See paragraphs [0037]-[0039]*). The adaptive multi-rate speech codec uses a single type of coding scheme, and merely switches the bit rate of that particular coding scheme. For example, the preferred coding scheme is the algebraic code excited linear prediction (ACELP) coder. (*See paragraph [0040]*).

There is no teaching or suggestion in *Pepin et al.* of any mechanism for selecting between "a plurality of supported coding schemes", as is claimed in Claim 12 of the present application. Thus, *Pepin et al.* does not teach, within its four corners, each and every element of, in the detail of, the claims of the present invention, and should be withdrawn as a reference under 35 U.S.C. § 102. Applicant submits that independent Claims 23 and 32 contain similar claimed elements, and therefore, the above-stated arguments equally apply to independent Claims 23 and 32. Therefore, Applicant respectfully submits that independent Claims 23 and 32 (and all claims dependent therefrom) are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 102 rejection of Claims 12, 13, 15, 16, 19, 23 and 32.

II.   REJECTIONS UNDER 35 U.S.C. § 103

Claims 14, 17, 18, 20-22, 24 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pepin et al.* These rejections are respectfully traversed for the following exemplary reasons.

The aforementioned Claims 14, 17, 18, 20-22, 24 and 27 are dependent upon claims that Applicant believes are now allowable. Therefore, for at least the same reasons given above with respect to the rejections of Claims 12, 23 and 32, Applicant respectfully submits that Claims 14, 17, 18, 20-22, 24 and 27 are not obvious over the prior art of record. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 14, 17, 18, 20-22, 24 and 27.

CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (Ref. BP2970).

Respectfully submitted,

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